

2010 -- S 2164

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO EDUCATION - TEACHERS' RETIREMENT

Introduced By: Senators Ciccone, DiPalma, Maselli, Blais, and Ruggerio

Date Introduced: February 04, 2010

Referred To: Senate Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 16-16 of the General Laws entitled "Teachers' Retirement" is
2 hereby amended by adding thereto the following section:

3 **16-16-24.1. Administrator employment after retirement.** -- (a) Any administrator
4 certified pursuant to chapter 11.1 of this title who has retired under the provisions of any law of
5 this state may substitute as an administrator at state schools and in the public schools of this state
6 for a period of not more than ninety (90) days in any one school year without any forfeiture of or
7 reduction in the retirement benefits and allowances the administrator is receiving or may receive
8 as a retired administrator. Notice of the employment shall be sent monthly to the state retirement
9 board by the school committee employing the administrator and by the employer and by the
10 retired administrator on a monthly basis.

11 (b) Any administrator certified pursuant to chapter 11.1 of this title who has retired under
12 the provisions of any law of this state may be employed to fill a vacant position (including, but
13 not limited to, employment as a tutor, mentor principal or mentor assistant principal) by any state
14 school or public school of this state for a period of not more than ninety (90) days in any one
15 school year without any forfeiture of or reduction in the retirement benefits and allowances he or
16 she is receiving or may receive as a retiree. Notice of the employment shall be sent monthly to the
17 state retirement board by the employer and by the retired teacher. Provided, however, that no
18 employment may be offered to a retiree subject to this section after July 1, 2010, unless the
19 employer has made a good faith effort each school year to fill the position with a nonretired

1 employee without success, and certifies in writing that it has done so to the employees' retirement
2 system, and to the state department of education and the senate and house fiscal offices.

3 (c) Any retired administrator may be employed pursuant to subsections (a) and (b) of this
4 section, but in no event shall employment exceed ninety (90) days.

5 (d) The calculation of the ninety (90) day period in any one school year shall be
6 determined by either of the following methods:

7 (1) Three (3) hours shall constitute a half-day and the number of half-days shall be
8 limited to one hundred eighty (180) days which shall be the equivalent of ninety (90) full days.

9 (e) In addition to and notwithstanding the foregoing provisions of this section or similar
10 provisions of any special law, any person who has been retired and who is receiving a pension or
11 retirement allowance, under the provisions of this chapter, may be employed as an administrator
12 for not more than ninety (90) days in the aggregate, in any school year; provided that the earnings
13 therefrom when added to any pension or retirement allowance he or she is receiving do not
14 exceed the salary that is being paid for the position from which he or she was retired. The
15 administrator shall annually certify to the employees' retirement system, the amount of his or her
16 pension or retirement allowance and the amount of any post-retirement income.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would prohibit any person who has retired and who is receiving a pension or
2 retirement allowance, under the provisions of this chapter, from being employed as an
3 administrator for more than ninety (90) days in the aggregate, in any school year; and would also
4 provide that the earnings therefrom when added to any pension or retirement allowance he or she
5 is receiving do not exceed the salary that is being paid for the position from which he or she was
6 retired.

7 This act would take effect upon passage.

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